

Message Text

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PAGE 01 PRETOR 06885 152206Z
ACTION AF-10

INFO OCT-01 EUR-12 NEA-10 IO-13 ISO-00 CIAE-00 DODE-00
PM-05 H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01
PRS-01 SP-02 SS-15 USIA-06 HA-05 MCT-01 /098 W
-----062872 160744Z /17

R 151342Z DEC 77
FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 9930
INFO AMEMBASSY ALGIERS
AMEMBASSY BONN
AMEMBASSY DAR ES SALAAM
AMEMBASSY GABORONE
USMISSION GENEVA
AMEMBASSY LAGOS
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
USMISSION USUN NEW YORK

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E.O. 11652: N/A
TAGS: PINS, SHUM, WA
SUBJECT: NAMIBIA: DETENTION OF BERNARDUS PETRUS

REF: PRETORIA 6724

1. SUMMARY: A SOUTH WEST AFRICAN JUDGE HAS DISMISSED AN APPLICATION FOR AN ORDER RESTRAINING THE POLICE FROM ASSAULTING SWAPO MEMBER BERNARDUS PETRUS, WHO IS BEING HELD UNDER THE TERRORISM ACT. END SUMMARY.

2. ON DECEMBER 12, THE FATHER OF BERNARDUS PETRUS, THE
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SWAPO YOUTH LEAGUE MEMBER HELD UNDER THE TERRORISM ACT SINCE DECEMBER 6, BROUGHT AN URGENT APPLICATION BEFORE THE SUPREME COURT IN WINDHOEK FOR AN ORDER RESTRAINING THE SOUTH AFRICAN POLICE FROM ASSAULTING HIS SON. THE ACTION, WHICH WAS BROUGHT AGAINST MINISTER OF POLICE JIMMY KRUGER AND THE CHIEF OF SECURITY POLICE IN OVAMBO, COLONEL WILLEM SCHOON, ALLEGED THAT PETRUS THAD

ALREADY BEEN "MALTREATED AND ASSAULTED" AND WAS IN DANGER OF FURTHER MALTREATMENT AND ELECTRIC SHOCKS. IN SUPPORT OF THE APPLICATION, SENIOR COUNCIL DAVID SOGGOT PRODUCED OVER A HUNDRED PAGES OF AFFIDAVITS BY THIRTEEN DETAINEES WHO SAID THEY HAD BEEN TORTURED, IN MOST CASES WITH ELECTRIC SHOCKS, WHILE IN POLICE CUSTODY. ALSO INCLUDED WAS AN AFFIDAVIT FROM A DOCTOR STATING THAT INJURIES ON ONE OF THE DETAINEES WERE "CONSISTENT WITH THE ADMINISTRATION OF ELECTRIC SHOCKS." AN AFFIDAVIT BY SWAPO TREASURER TAUNO HATUIKULIPI, WHO WAS DETAINED WITH PETRUS AND LATER RELEASED, SAID THAT HE SAW PETRUS WHILE THEY WERE BOTH IN CUSTODY. HATUIKULIPI, IN HIS AFFIDAVIT, SAID "I WAS SHOCKED TO SEE HIS FACE. IT WAS SWOLLEN, ESPECIALLY ABOUT THE EYES, WHICH WERE PUFFY AND RED. IT WAS OBVIOUS THAT HE HAD BEEN ASSAULTED."

3. THE STATE SUBMITTED AN AFFIDAVIT FROM COLONEL SCHOON WHO SAID HE SAW PETRUS SHORTLY AFTER THE ASSAULT WAS ALLEGED TO HAVE TAKEN PLACE, BUT SAW NO SIGNS OF IT. SCHOON SAID PETRUS ASSURED HIM THAT HE WAS BEING WELL-TREATED. ALSO SUBMITTED WAS A STATEMENT BY A MAGISTRATE, F. PRETORIUS, SAYING THAT HE HAD VISITED PETRUS, WHO SHOWED NO SIGN OF INJURY AND HAD NO COMPLAINTS. DAVID SOGGOT, APPEARING FOR THE FAMILY, SAID PRETORIUS HAD SEEN PETRUS AGAIN AND NOW CLAIMED THAT HE HAD BEEN ASSAULTED. SINCE PETRUS IS BEING HELD UNDER THE LIMITED OFFICIAL USE

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TERRORISM ACT HE COULD NOT BE CALLED TO TESTIFY.

4. ON DECEMBER 13, JUSTICE HART DISMISSED THE PETRUS FAMILY APPLICATION ON GROUNDS THAT IT WAS NOT URGENT, AND ORDERED THEM TO PAY COURT COSTS. LEAVE TO APPEAL THE DECISION WAS DENIED.

5. MEANWHILE, ADMINISTRATOR GENERAL STEYN, COMMENTING ON THE ARRESTS OF PETRUS, DAN TJONGARERO, AND NINE OTHERS, REPORTEDLY TOLD THE PRESS IN OVAMBO ON DECEMBER 12: "THIS DID NOT TAKE PLACE AS THE RESULT OF MY ORDERS, AND, IN SPITE OF THE DETENTION, THE FREEDOM OF POLITICS AND POLITICAL CAMPAIGNS IS THE SAME TODAY AS IT WAS TWO OR THREE WEEKS AGO."BOWDLER

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Disposition Approved on Date:
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Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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